

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

SECOND APPEAL NO.231 OF 2005.

Shri Chima Vithal Garade (Sutar)
and ors. : Appellants.

versus

Shri Chandrakant Gangaram
Garade (Sutar) and ors. : Respondent.

Mr.P.J.Pawar for the appellants.

CORAM : D.G.DESHPANDE, J.

DATED : 7th July 2005.

ORAL ORDER

1. Heard the advocate for the appellants. Appellants are the original defendants. A suit for injunction came to be filed against them. It was decreed exparte. They challenged that order in appeal. Their appeal was also dismissed. Hence this second appeal.

2. It was contended by the counsel for the appellants that the property was the joint property and the Courts erred in granting the injunction. That does not appear to be a case. The lower appellate Court has recorded that the suit property was the ancestral property but he had constructed the house 25 years prior to filing of the suit and, in respect of the very same property the defendants had filed suit. Same was dismissed. Therefore, it is clear that the claim and contentions of the appellants have been rejected thrice. No substantial question of law is involved in this appeal. Hence this Appeal is dismissed. Interim order, if any, stands vacated.

[D.G.DESHPANDE]